



# TOWN OF WARRENTON

## POLICE DEPARTMENT

333 Carriage House Lane • Warrenton, Virginia 20186  
Telephone (540) 347-1107 • Fax (540) 341-4190



Date: September 15, 2021  
To: Brandie Schaeffer, Town Manager  
From: Michael Kochis, Chief of Police  
Subject: e-scooter initiative workgroup

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The e-scooter initiative workgroup was convened in May of 2021 to study the feasibility of a “Bird” Scooter Program within the Warrenton Town Limits. The workgroup met on three separate occasions, one of which included a representative of Bird Corporation. The workgroup consisted of the following individuals:

- Michael Kochis, Chief of Police
- John Ward, Public Works
- Kelly Koernig, Parks and Recreation
- Tom Kamerer, Sergeant
- Anne Payne, Information and Technology
- Toni Schultz, Police Department
- Denise Harris, Community Development

### **Background:**

What are Shared Mobility Devices?

Shared Mobility Devices, (SMD’S) are Bikes, e-bikes, and e-scooters that are owned by private companies and ultimately rented to the public via a smartphone app. These devices are typically parked in public spaces as “dockless” vehicles that are locked to themselves, meaning the device cannot be moved unless it’s picked up and carried away because the entire device is locked. The intent of an SMD is to be used for short trips, typically between locations within the same town or city.

### **History of Shared Mobility Devices in Virginia:**

The first SMD’s in the area began in Washington D.C. in 2017 in the form of dockless bicycles, shortly thereafter jurisdictions in Northern Virginia followed. Not long after deploying the dockless bicycle model, many of the companies transitioned to e-scooters. Early on SMD’S operated in Virginia unregulated due to the absence of specific language in Virginia State Code. As a result of being unregulated, many jurisdictions started impounding the e-scooters that were found in their respective jurisdictions.

In July of 2020, the General Assembly passed legislation that gives localities the ability to regulate scooters. Basically, the legislation states that localities may not ban SMD’S, but that they can regulate them and if the locality does not act, that failure to act falls on that jurisdiction.



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**§ 46.2-1315. Powers of localities to regulate use of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire.**

*Any county, city, town, or political subdivision may (i) by ordinance regulate or (ii) by any governing body action or administrative action establish a demonstration project or pilot program regulating the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire, provided that such regulation or other governing body or administrative action is consistent with this title. Such ordinance or other governing body or administrative action may require persons offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire to be licensed, provided that on or after January 1, 2020, in the absence of any licensing ordinance, regulation, or other action, a person may offer motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire.*

House Bill 2752 pertains to all dockless vehicles for hire to include e-scooters. The bill defines an e-scooter as being less than 100 pounds with a max speed of 20 Mph. The bill also allows the riding of e-scooters on sidewalks unless prohibited by a local ordinance. Furthermore, the legislation allows localities to regulate SMD'S by local ordinance.

### **Frequently asked questions about e-scooters?**

**Q. Are e-scooters suitable to be driven on narrow sidewalks?**

*e-scooters are best suited to be operated on public streets. The walkability audit that was commissioned in 2017 cited issues with the sidewalks within the town to include "barely meeting accessibility standards, which makes using a stroller or wheelchair difficult, if not impossible."*

**Q. Do riders of e-scooters have to wear helmets?**

*Town code does not address the wearing of helmets on any SMD.*

**Q. What is the top speed of e-scooters?**

*20 Mph.*

**Q. Who is responsible for the liability associated with e-scooters?**

*This is determined by the memorandum of understanding between the Town of Warrenton and the corporation operating the SMD. Most agreements mandate the company supplying the e-scooters provide liability insurance.*

**Q. Where are e-scooters dropped off?**

*The town would designate specific drop off points called "parking corrals."*

**Q. Where in town can e-scooters be ridden?**

*Virginia Code only allows e-scooters to be ridden on roads where the speed limit is 25 Mph or less. E-scooters may also be ridden on any sidewalk within the town of Warrenton unless Town Code says otherwise. Currently Warrenton Town Code only addresses riding skateboards or bicycles on sidewalks. Town Code 10-122 requires the Town Manager to designate and "conspicuously post such areas where this activity is prohibited." The current Town code does not address SMD'S. The Bird e-scooter program has the ability to geo fence certain areas within town where e-scooters can operate on sidewalks only, such as Broadview Avenue where the speed limits are 35 Mph and 40 Mph, and therefore Virginia Code forbids e-scooters from operating on those streets.*



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Q. Will there be an age limit for those who ride e-scooters?

*Virginia State Code limits the operation of e-scooters to those who are 14 years or older.*

Q. Do e-scooters have to obey the same rules of the road that vehicles have to obey?

*Yes*

Q. Who picks up, charges, and resets e-scooters each day?

*Bird e-scooters will identify a fleet manager in the area who will be responsible for managing the fleet of e-scooters within the Town.*

Q. Can you operate an e-scooter on the Warrenton Branch Greenway?

*Chapter 16 of the code of Fauquier County states:*

*It is unlawful for any person in the park to perform or permit to be performed any of the following acts:*

- “(1) Drive any motor vehicle, motorcycle or any other unauthorized motor vehicle on any area except the paved park roads, driveways or parking areas, or such areas as may on occasion be specifically designated as temporary parking areas.*
- (2) Park, leave or abandon any motor vehicle, motorcycle, or any other unauthorized motor vehicle in any place other than a designated parking area, unless otherwise directed by deputy sheriffs or authorized county employees. Signs, as posted, shall be observed.*
- (3) Leave any motorized vehicle standing or parked in established parking areas or elsewhere in the park during hours when the park is closed.*
- (4) Use the parks, park drives, parking places or parkways for the purpose of demonstrating any motorized vehicles, or for the purpose of instructing another to drive or operate any motorized vehicle; nor shall any person use any park area, including parking places, for the purposes of repairing, washing, waxing, polishing, greasing, otherwise cleaning or performing work upon motorized vehicles. A temporary exception will be made for emergency repairs, as necessary.*
- (5) Operate any moped, minibike, go-cart, trail bike, Class three electric power-assisted bicycle or similar motorized vehicle in the park.*
- (6) Operate any bicycle, electric power-assisted bicycle, scooter, tricycle, wagon, roller skates, skateboard or other similar self-propelled vehicle in any park except in areas designated for such use. Electric power-assisted bicycles shall not be ridden on the Warrenton Branch Greenway.”*



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### **Recommendation:**

The workgroup recommends that if Council wants to move forward with this program, an education and communication campaign be initiated to include familiarization with the devices in the form of a town-sponsored e-scooter rodeo designed for the public to try the devices and become familiar with their operation. This will also serve as a way to receive feedback from the community on the program.

The workgroup also recommends that steps be taken to address several recommendations detailed in the walkability audit. For example, the audit specifically mentions numerous sidewalk obstructions such as utility poles, signs, benches, and construction materials as impediments to the free flow of pedestrians, which could also affect those riding e-scooters. This is problematic due to Virginia Code only allowing e-scooters to be ridden on roadways where the speed limit is 25 Mph or less, thus forcing them to be ridden on sidewalks in many areas of the town.

Furthermore, the complete street's recommendation of 2017 recommended requiring sidewalk, pedestrian, and bicycle access to be continuous and connected to adjacent properties. Implementing this would allow e-scooters on sidewalks that parallel roadways with speeds higher than 25 Mph for those scooters to continue operation on the sidewalk without having to enter a roadway when the speed limit changes that where e-scooter may be ridden.

### **Next Steps:**

1. Consensus from Town Council to decide to move the program forward.
2. A Town Ordinance needs to be written on Shared Mobility Devices, their operation, and how business related to SMD'S is conducted within the Town of Warrenton.
3. An MOU between the Town of Warrenton and Bird Scooters will be drafted and agreed to by all parties.
4. All applicable business licenses and permits need to be applied for.